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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

STACY E. KINCH, individually,

Plaintiff(s),

v.

ZACHARY TODD, in his individual capacity,

Defendant.

**MOTION FOR EXTENSION OF TIME TO
FILE RESPONSE TO COMPLAINT**

Case No. 4:24-cv-00012

Judge Ann Marie McIff Allen
Magistrate Judge Honorable Paul Kohler

Defendant Trooper Zachary Todd, through counsel, Christiana Biggs, Assistant Attorney General, moves this Court for an order extending time to respond to Plaintiff's Complaint. Good cause exists for the Court to grant an extension for the following reasons:

1. On January 30, 2024, Plaintiff filed her Complaint. (ECF 01.)
2. On March 29, 2024, Defendant waived service of summons making his response due May 14, 2024. (ECF 06.)
3. On April 4, 2024, Defendant's counsel entered her appearance. (ECF 07.)

4. On April 25, 2024, this Court granted Plaintiff's counsel's motion for withdrawal staying the case. (ECF 08.)

5. On May 15, Plaintiff filed an Email Filing and Electronic Notification Form (ECF 11).

Good cause exists because of ambiguity as to when Defendant's response is due. Plaintiff's counsel filed a Motion for Withdrawal as Counsel (ECF 08), which was granted on April 25, 2024. As a result, Plaintiff's case was stayed for twenty-one (21) days until May 16, 2024. (ECF 09) Only yesterday, Plaintiff filed an Email Filing and Electronic Notification form (ECF 11), which we might assume to be a notice of appearance required by the Court (ECF 09). Ambiguity exists as to when Defendant's response is actually due. Also, counsel needs additional time to prepare a response to the complaint in light of Plaintiff's decision to move forward *pro se*. This is Defendant's first request for extension of time, and no prejudice to Plaintiff exists if the Court grants the motion.

Therefore, Defendant respectfully requests a fourteen-day extension of time to respond to Plaintiff's Complaint, making the response due on or before May 30, 2024.

RESPECTFULLY SUBMITTED THIS 16th day of May, 2024.

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/Christiana L. Biggs
CHRISTIANA L. BIGGS
Assistant Utah Attorney General
Attorney for Defendant

CERTIFICATE OF MAILING

Pursuant to Utah R. Civ. P. 5(b)(1)(A)(i), I certify that on this 16th day of May, 2024, I served the foregoing **Motion for Extension of Time to File Response to Complaint** on the following by using the Court's electronic filing system. I also certify that a true and correct copy of the foregoing was placed in outgoing, United States mail, postage prepaid, to the following:

Stacy E. Kinch
1360 Heavenly Dr
HC 82 Box 1916
Duck Creek, UT 84762

/s/Dustie Ross